

Sullivan County NH

Type of Meeting: Board of Commissioners Public Meeting Minutes

Date / Time: February 1, 2005; 1:30 p.m.

Place: Newport – Remington Woodhull County Complex, 1st Floor, Commissioners' Conference Room.

ATTENDEES: Commissioner Donald S. Clarke / *Chair*, Bennie C. Nelson / *Vice Chair* and Ethel Jarvis / *Clerk*; Ed Gil de Rubio - *County Manager*; Peter Farrand - *Human Resources Director*; Sharon Johnson-Callum (*minute taker*).

OTHERS IN ATTENDANCE: Mr. and Mrs. Ed Johnson.

Audiotape made of public meeting.

1:35 Commissioner Clarke, Chair, brought the meeting to order. All recited the Pledge of Allegiance.

AGENDA ITEM NO. 1 PROBABLE EXECUTIVE SESSION

County Manager indicated this was set up originally to discuss negotiations on County property for the proposed Unity Conservation Easement. He indicated the executive session was unnecessary at this time, that he contacted appraiser and has since talked to Bard Flanders to note to him no decision would be made until February 15th meeting. County Manager will be following up with the Facilities Director also. Comm. Clarke confirmed he received a copy of the latest easement, from Commissioner Jarvis, but is still waiting for forestry management plan and maps from Facilities and Operations Director.

1:38 A motion was made, by Commissioner Nelson, to table further discussions on the Unity Conservation Easement until Feb 15th meeting. Commissioner Jarvis seconded the motion. No discussion. The motion carried on a voice vote as all are in favor.

AGENDA ITEM NO. 2 PERSONNEL ISSUE PROBABLE EXECUTIVE SESSION

Commissioner Clarke asked County Manager to brief new Board on Executive Session and personnel matters. Manager explained one of the boards duties is to hear personnel items regarding recommended terminations / suspensions, concurrent with collected bargaining agreement and personnel policy. County Manager explained the importance of hearing the evidence presented on same day it is given. He explained any attempts to provide information regarding a personnel issue, prior to the hearing, would be grounds for appeal on both parts, that of management and/or the alleged violator(s). He explained the Board must have non-biased eye as both management and alleged violator would be providing information.

Peter Farrand discussed RSA28:10-a, a one-year employee couldn't be discharged without just cause. He explained County management could suspend an employee up to ten (10) days without pay. He explained it was the Board of Commissioners realm to decide if the termination is relevant. A letter would then be sent to employee regarding the decision. He further explained, if they decide to endorse the termination, the defendant has, as non-union employee, the opportunity to place an appeal before the personnel committee, a committee made up of Delegates. Commissioner Clarke indicated he believes the Delegation may have neglected to establish the Delegation personnel committee and the matter should be looked in to. County Manager indicated he would follow up on that issue. Commissioner Jarvis requested a copy of RSA 28:10-a. *It was supplied during meeting.*

1:37 Commissioner Nelson made a motion to go into executive, per RSA 91-A:3.II.c., for a personnel issue. Commissioner Jarvis seconded motion. There was no discussion. A roll call vote was taken and all are in favor.

Audiotape stopped.

2:29 A motion was made, by Commissioner Nelson, to come out of Executive Session. Commissioner Jarvis seconded the motion. There was no discussion. Voice vote was taken, with all in favor.

Audiotape resumed.

2:29 Peter Farrand returned to room.

2:30 A motion was made by Commissioner Nelson for the Board to take two (2) weeks to go over information and go into an executive session on Feb 15th Unity meeting. Commissioner Jarvis seconded the motion. No discussion. Voice vote was taken, a motion carried unanimously.

HR Director indicated the Board needed to make decision on the employee's suspension.

2:41 A motion was made, by Commissioner Nelson, to continue suspension until Feb 15th, inclusive. Commissioner Jarvis seconded the motion. No discussion. Voice vote taken, motion carried unanimously.

AGENDA ITEM NO. 3 PROBABLE EXECUTIVE SESSION

2:43 A motion was made, by Commissioner Nelson, to go into executive session in order to discuss another personal issue, per RSA 91-A:3.II.c. Commissioner Jarvis seconded the motion. There was no discussion. Roll call vote was taken and motion carried unanimously.

Audiotape stopped.

2:58 A motion was made, by Commissioner Nelson, to come out of executive session. Commissioner Jarvis seconded the motion. There was no discussion. Voice vote taken and motion carried unanimously.

Audiotape resumed.

Representative Converse and Argus Champion reporter entered room.

AGENDA ITEM NO. 4 MEETING MINUTES REVIEW

JANUARY 6, 2005 PUBLIC MEETING MINUTES

3:02 A motion was made, by Commissioner Nelson, to accept the public minutes of Jan 6, 2005. Commissioner Jarvis seconded the motion. Discussion: Commissioner Jarvis indicated it was unfair they went into executive session, during the January 6th meeting, without her knowledge. County Manager pointed out they went into executive session as they had an issue pertaining to a personnel matter. Commissioner Clarke noted it was done in consideration for Commissioner Jarvis. She wanted it noted in the minutes that she would not have seconded the motion if she had known it pertained to her. County Manager noted it was handled per RSA and per advice of County Attorney. Motion carried on majority voice vote.

JANUARY 6, 2005 EXECUTIVE SESSION MEETING MINUTES.

3:03 A motion was made, by Commissioner Nelson, and seconded by Commissioner Clarke to approved the January 6, 2005 Executive Session meeting minutes. Discussion: Commissioner Jarvis indicated she would not be approving these minutes, as she did not agree with the Executive Session. Voice vote taken and carried with majority. Commissioner Jarvis voted no.

Commissioner Clarke indicated they could either keep executive session minutes sealed or unsealed depending, and, in consideration of how Commissioner Jarvis feels, will unseal these minutes.

3:04 A motion was made, by Commissioner Nelson, to unseal the executive session minutes of the January 6 and make public. Commissioner Clarke seconded motion. No discussion. Voice vote carried unanimously.

JANUARY 18, 2005 MEETING MINUTES

Commissioner Clarke indicated it should be noted on the January 18th minutes, page 1, agenda item no. 1, in the motion, that the motion was made with the understanding any other mou's received to be signed by Commissioner Clarke, as Chair.

3:19 A motion made to approve the January 18th public meeting minutes with corrections discussed [*"page 1, agenda item no. 1, in the motion, that the motion*

was made with the understanding any other mou's received to be signed by Commissioner Clarke, as Chair"] per Commissioner Nelson. Commissioner Jarvis seconded the motion. No discussion. Motion carried on a voice vote.

County Manager requested minute taker to explain how executive session minutes were handled. Minute taker pointed out they stay as executive session, confidential and not available for public, until the issue is resolved, and until the Board decides to make public. Once public, they are placed in the Board of Commissioners meeting minute binder.

AGENDA ITEM NO. 5 PUBLIC PARTICIPATION

Commissioner Clarke noted Representative Larry Converse was present and asked Mr. Converse if he had any questions.

Rep. Converse asked about a recent newspaper article. Commissioner and County Manager discussed article and budgetary items regarding: Nursing Home, Medicare and MQUT. Commissioners discussed SB409.

Commissioner Clarke noted Mr. Lowe, Argus Champion reporter, was present and asked Mr. Lowe if he had any questions. He did not.

AGENDA ITEM NO. 6 COUNTY MANAGERS REPORT

County Manager, Ed Gil de Rubio, passed out copies of his monthly calendar.

Commissioner Clarke indicated he'd like to be included in the Long Term Care meeting with Mr. Richard Kellogg, County Manager and Patti Koscielniak when it is rescheduled.

AGENDA ITEM NO. 7 COMMISSIONERS REPORT

STATE - COUNTY FINANCE COMMITTEE

Commissioner Clarke pointed out there was no State - County Finance Committee meeting, therefore, nothing to report. He discussed a governor's forum he attended.

FACILITIES LAND / BUILDING MANAGEMENT

County Manager discussed a meeting he, Commissioner Jarvis and Jerry Coogan attended with the Clough Group regarding the feasibility management plan. They will send letter regarding their scope of service on vacated buildings - how they may or may not be used and assisted care living, a business plan for the county. County Manager discussed changes going on with court split of duties, and once decided the Clough group can then come in to Newport and make recommendations. He noted the \$2,000 in the Cooperative Extension was set-aside for that purpose.

GENESIS ADMINISTRATION REPORT

County Manager indicated the nursing home administration transition is going well and anticipates a Genesis report prior to the next meeting. He indicated Mr. Allard is being well received, as well as the concept of Genesis. He noted there appears to be a positive culture change occurring.

NH MAPLE ASSOCIATION

Commissioner Nelson discussed a huge supply of historical maple sugaring items the NH Maple Association received and that the Association is searching for a building to store it in. Commissioner Clarke suggested checking with the director of the Tapestry Exhibit at the Dorr Mill in Newport. Commissioner Nelson will mention this suggestion to the Association.

MARCH BOARD MEETINGS

Commissioner Clarke indicated they needed to consider rescheduling the March Board meetings. He requested this issue be placed on the agenda for the next meeting.

DOC PONI CONFERENCE

Minute taker pointed out Commissioners Office received rejection of Sullivan County's application to the DOC PONI Conference in CO in April. It had been indicated Sullivan County would be placed on the attendance sheet for the next round.

COUNTY MANAGER EVALUATION

Per Boards request minute taker distributed copies of the template for the County Manager's evaluation. Each Board member will complete one and return it to the minute taker, by Feb 13th, to collate information. Chair requested an executive session at the next meeting for the evaluation.

3:43 A motion was made, by Commissioner Nelson, to adjourn the meeting. Commissioner Jarvis seconded the motion. No discussion. Motion carried with voice vote.

Respectfully submitted,



*Commissioner Ethel Jarvis, Clerk
Board of Commissioners*

EJ/s.j-c.